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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/774,768
Inventor(s) : Gregory Ashton, et al.
Filed : February 9, 2004
Art Unit : 3761
Examiner : Laura C. Hill
Docket No. : 9490
Confirmation No. : 9760
Customer No. : 27752
Title : Absorbent Article Comprising A Flap Handle That Aids In
The Application Of Said Absorbent Article

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This Reply Brief is filed pursuant to the appeal from a final Office Action mailed on September 29, 2006. A timely Notice of Appeal was filed on December 20, 2006 and a timely Appeal Brief was filed on March 20, 2007. This Reply Brief is being filed in response to the Examiner's Answer mailed on May 30, 2007, making this Reply Brief due on or before Monday, July 30, 2007.

REPLY TO EXAMINER'S ANSWER

In the "Response to Argument" section of the Examiner's Answer, the Examiner equates the fasteners 625 of LaVon with "dynamic mechanical bonds." (See Examiner's Answer, Page 6). Specifically, the Examiner states that "since LaVon discloses fasteners 625 to be releasable hook and loops/VELCRO or adhesive strips (see page 14, paragraph 0122, lines 24-30), the fasteners are dynamic mechanical bonds or 'longitudinal welds' as required by Appellant's claim 1." It is respectfully submitted that the releasable fasteners 625 of LaVon are mischaracterized as the longitudinal welds recited in claim 1.

LaVon mentions the use of dynamic mechanical bonds as an alternative attachment means for joining a backsheet 24 with an absorbent core 28. (See LaVon,

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page 5, paragraph 49). However, LaVon does not equate the fasteners 625 with dynamic mechanical bonds. Instead, LaVon states that "A flap having VELCRO or adhesive strips can be placed over the openings or discontinuities formed in the absorbent article to provide for fluid impermeability when the flap is closed, but allowing for multiple openings and closings to access the removable absorbent core components and insertion of replaceable components." (emphasis added). (See LaVon, page 14, paragraph 0122). As such, the adhesives and VELCRO recited in paragraph [0122] of LaVon refer to resealable fasteners. (emphasis added). Appellants again point to various portions of the specification of the present application to illustrate how the present application draws a distinction between resealable fasteners and welds. (See present application, page 6, ll. 18-20; page 6, ll. 23-25; and page 14, ll. 13-14).

SUMMARY

In view of the remarks above and in the Revised Appeal Brief, it is respectfully requested that the Honorable Board of Patent Appeals and Interferences reverse the rejections of Claims 1-3, 5, 6, and 21-33.

Respectfully submitted,
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